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Applicant: Oshima et al.
Appl. No.: 09/844,301
Filing Date: April 27, 2001
Title: MEMORY TESTING METHOD AND MEMORY TESTING APPARATUS
Attorney Docket No.: KP0116
Pub. No.: US 2001/0052093 A1
Pub. Date: December 13, 2001

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was received via facsimile transmission on April 23, 2002.

The request is DISMISSED.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." The request for corrected publication received on April 23, 2002 was not timely filed under 37 CFR 1.221(b). Moreover, the instant request does not identify a material mistake in the publication made by the Office. An Office error in the publication of assignee data is not a material mistake. However, no error in the printing of the assignment information has been shown. Page 1 of the transmittal letter for the application states:

Assignment to Japan Aviation Electronics Industry Limited

Applicant states that the correct assignee is Advantest Corporation, and that while the transmittal letter identified Japan Aviation Electronics Industry Limited, the assignment papers identified Advantest Corporation. The Office prints the assignee information as reflected on the transmittal letter or other application papers, if provided by applicant and does not look at the assignment records for the assignment information.¹ As a result, printing an assignment to Japan Aviation Electronics Industry Limited does not appear to be an Office error. Applicant's request to change the assignment data, filed on October 18, 2001, was received too late in the publication process for the information to be used for publication of the application.

It should be noted that the bibliographic information (title of invention, name of inventor, etc.) on the patent application publication is based on the bibliographic information in the Office's electronic system as of the date the application is sent to the printing contractor. The electronic system will include any bibliographic information amendments submitted by applicant at the time of filing and any later corrections of the bibliographic information, such as corrections submitted

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 84 (Oct. 10, 2000) (final rule).

by applicant via the Patent Application Information Retrieval system. See questions and answer CF1, posted at <http://www.uspto.gov/web/offices/dcom/olia/aipa/infoexch.htm#cf>. Therefore normal Office procedures were followed in this instance and applicant's request for a change in the assignee data was not used in the patent application publication.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for reconsideration of this decision, should be addressed as follows:

By mail to: Box PGPUB
 Commissioner for Patents
 Washington DC 20231

By facsimile: 703-305-8568

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark O. Polutta
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